

REMARKS

This paper is submitted in complete response to the Final Office Action mailed September 17, 2001 (hereinafter, the "Office Action"). Per this paper, claims 1-32, as amended herein, remain pending in the application. Reconsideration claims 1-32 in view of the amendments presented above and the following remarks and the grant of a U.S. Patent are earnestly solicited.

It is believed that no fees are due in regard to the filing of this paper. If such fees are deemed due and/or owing, the USPTO is invited to contact the undersigned at the address and telephone numbers listed below.

The following remarks together with the amendments presented above are submitted in complete response to the Office Action, and address in *seriatim* the merits of Office Action that require such response.

II. REJECTION OF CLAIMS 1-32 UNDER 35 USC § 103 – Kito, et al.

Spanning pages 2 through 4 of the Office Action, the Examiner rejects claims 1-32 under 35 USC § 103(a) allegedly as being unpatentable over Kito et al. (USP 5,946,464) in view of Rogers et al. (USP 5,974,441). According to the Examiner, Kito et al. teaches "a manifest about a software package as 'function such as schedule, document management and workflow'" by citing Kito et al. at col. 4, lines 9-33. Furthermore, the Examiner asserts that Kito et al. teaches "content source and functions related to its functionality as 'agent clients by which respective users define their agents'" by citing Kito et al. at col. 4, lines 34-35. And, according to the Examiner, Kito et al. teaches "said data sources are processed in a network to achieve their expected functionality as 'on the

basis of the user's input, prepares agent definition information and transmits the prepared [sic: _____] to the agent generation unit of the agent server through the network” by citing Kito et al. at col. 5, lines 23-26. **In the Final Office Action, the Examiner failed to specifically address the remarks submitted by the applicant and fix and complete the broken English sentence found in the previous Office Action; instead, the Examiner simply repeated his rejection with the same grammatical error – the Applicant's representative requests clarification so that a supplemental response may be properly prepared.**

According to the Examiner, Kito et al. teaches the invention except for explicitly teaching a browser. Hence, the Examiner has relied on Rogers et al. patent. It is the Examiner's position that it would have been obvious to one of ordinary skill in the art to incorporate the browser as taught by Rogers into the network described in Kito et al. because Kito operates with computer networks and Rogers suggests that optimization can be obtained with browsers.

The Applicant hereby TRAVERSES the Examiner's rejection and asserts the following remarks.

The Kito et al. patent is directed to a groupware system that facilitates a collaborative work environment among multiple users and, in particular, one that facilitates database operations to drive groupwise scheduling, email, workflow, and document management. See e.g., Kito et al. at Abstract, and col. 4, line 1-30. The system of Kito et al. is a highly distributed one in which multiple users access and modify databases that ultimately affect the views of such databases by other users. Accordingly,

it is perplexing that the Examiner has cited the Kito et al. patent against the instant application and, more particularly, against claims 1-32.

While Kito et al. can be said to incorporate networking technologies (e.g., client-server arrangements), the Kito et al. patent can in no way be interpreted or otherwise construed to show or otherwise disclose a self-contained software package of the type contemplated and defined by claims 1-32 of the instant application. Moreover, although Rogers et al. can be said to disclose open-standards based technologies and topologies, it cannot be viewed to make up for the deficiencies of Kito et al. so that the instant claimed invention would have been obvious to those skilled in the art.

The instant invention as defined by claims 1-32 is directed to structures and processes that are concerned with a self-contained software package; such a software package includes a manifest containing meta-data and at least one reference to a content source that contains instructions (e.g., HTML code, etc.) corresponding to a particular functionality (e.g., manifestation of a web page within a browser, content rendition, application processing, etc.). See e.g., claim 1 and Figure 4 for example. More particularly, claims 1-32 define the instant invention by specifying a self-contained software package (claim 1), a browser configured to input such a self-contained software package (claim 12), a method for generating and processing such a self-contained software package (claim 21), and a method of using a browser configured to process such a self-contained software package (claim 30). Such a self contained- software package may be used to wrap up web pages, scripts, images, sound files, JAVA, etc. into self-contained units for processing within a browser software environment. The intended functionality may be achieved by traversing a subsequent content source that may be

completely unknown to a browser application, for example, prior to runtime of that browser application. See instant application at page 10, lines 5-15. And, since all content necessary to drive, facilitate and access a particular functionality is CONTAINED within the self-contained software package, the same may be executed totally and completely within a browser, thus enabling software downloads, software distribution, etc. And, unlike a group-wide distributed work environment like or similar to one taught by Kito et al., the present invention does not centralize operations and corresponding data (e.g., content) – instead, all data and control are passed via a self-contained package which may ultimately cause download of data/content from another content source. These features are embodied within the claims: For example, claim 1 as amended states that its initial content source controls “said network client environment in accordance with said instructions to achieve said particular intended functionality. Claim 12, for example, defines a web browser that includes “an input module inputting a manifest containing meta data about said self-contained software package, and at least one reference to an initial content source, said initial content source including instructions related to a particular intended functionality.” Claim 21’s method also includes method steps that correspond to the features of claim 1. And, independent claim 30, defines a method of using a browser that includes steps of receiving a manifest, receiving a reference to an initial content source, and automatically processing such a manifest to execute a self-contained software package.

The cited references cannot in any be said to show, teach or otherwise suggest the claimed invention as defined by claims 1-32, as amended. That is, by no twisted or tortured reading of the cited references, especially Kito et al., would one of ordinary skill

in the art have rendered the invention of claims 1-32 obvious. And, contrary to the Examiner's position, Kito et al. is likely to be a reference that artisans would consider as teaching away from the claimed invention. **That is, Kito et al. teaches a distributed system for facilitating groupwise computing and processing; WHEREAS, in great contrast, the present invention as defined by claims 1-32, as amended, is concerned with a self-contained software package and one that can be downloaded or distributed and automatically run within a web browser application without requiring pre-runtime knowledge.** See e.g., claim 1 as amended, for example. And the Examiner's reliance on the Rogers reference and its use of "helper application" is unfounded and, with all due respect, simply wrong. A helper application is one that is known to a browser prior to runtime or may be installed during runtime to become part of the kernel of a browser. Here, the self-contained software package includes all information necessary to deliver a particular functionality even if that functionality is achieved via accessing a downstream data source to obtain processing instructions, etc.

As the Examiner broke the claims into subgroups of rejected claims, it is not necessary to provide additional comments about the Examiner's other bases for rejection. And, since all dependent claims include all the limitations of their respective base claims, it goes without saying that such claims are clearly patentable over the cited references for the same reasons that claims 1, 12, 21, and 30 are patentable. Thus, as the Examiner must concede that the cited references and alleged combinations of the same are completely and totally deficient in showing, teaching, or otherwise suggesting or disclosing the claimed invention of claims 1-32, as amended, the rejection of claims 1-32

must be WITHDRAWN and that claims 1-32, as amended, must be allowed to issue in a U.S. Patent for which such action is earnestly solicited.

CONCLUSION:

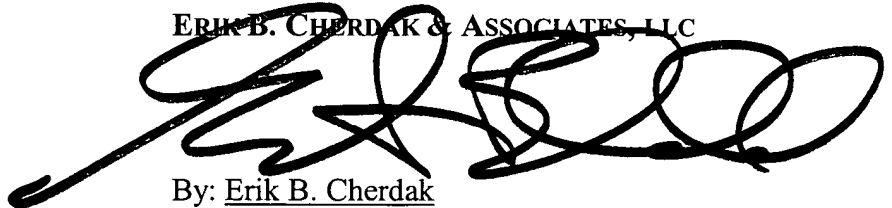
This Response is submitted in complete response to the Final Office Action mailed September 17, 2001. Per this Response, claims 1-32, as amended, are pending in the application and are presented for re-consideration, which action is earnestly requested.

It is believed that no additional fees are due or owing in regard to the submission of this Response and its attached and related papers. However, if such fees are deemed due, the Office is invited to contact the undersigned at the address and telephone number listed below.

If the Examiner believes that an in-person or telephonic interview will in any way expedite the handling of this paper, the Examiner is invited to contact the undersigned attorney of record at the address and telephone numbers listed below.

Respectfully submitted,

ERIK B. CHERDAK & ASSOCIATES, LLC

A large, stylized handwritten signature in black ink, appearing to read 'ERIK B. CHERDAK', is written over the printed name.

By: Erik B. Cherdak

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